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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,589	08/01/2001	Theresa A. Burkes	10008289-1	5997
7590	10/06/2004			
EXAMINER				
NAJJAR, SALEH				
ART UNIT		PAPER NUMBER		
2157				

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/920,589	BURKES ET AL.	
	Examiner Saleh Najjar	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 August 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3, 6-11, 14 is/are rejected.
- 7) Claim(s) 4,5,12 and 13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

1. This action is responsive to the application filed on August 19, 2003. Claims 1-14 are pending. Claims 1-14 represent method system and program for avoiding unnecessary computer peripheral calibration.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, and 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Onuma, U.S. Patent No. 6,609,210.

Onuma teaches the invention as claimed including a system for adjusting the sleep time of a peripheral device (see abstract).

As to claim 1, Onuma teaches a method for cycling trigger-event operations peripheral, the method comprising:

periodically monitoring at least one current timestamp service across network connection (see figs. 1-4; col. 6, lines 5-10, Onuma discloses that the printer controller obtains a current time from a server);

a networked computer recording a first timestamp indicative of time of current trigger-event (see col. 6, lines 10-15, Onuma discloses that time of previous data transfer request is recorded);

using the first timestamp and current timestamp, calculating elapsed time since a last trigger-event; and re-running said trigger-event operations only when the elapsed time exceeds a pre-specified period for cycling operations (see col. 6, lines 1-67; col. 7,

lines 1-50, Onuma discloses lengthening the sleep time when certain conditions are present).

As to claim 2, ,Onuma teaches the method as set forth in claim 1, wherein calculating further comprising:

including accounting for any peripheral power-off time period (see co. 6, lines 20-67).

Claims 6-10 do not teach or define any new limitations above claims 1-2 and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onuma, U.S. Patent No. 6,609,210.

Onuma teaches the invention substantially as claimed including a system for adjusting the sleep time of a peripheral device (see abstract).

As to claim 3, Onuma teaches the method as set forth claim 1.

Onuma fails to teach the claimed limitation of monitoring coordinated universal time from a network time protocol server. Onuma does teach that time is obtained from a server node (see col. 6, lines 1-15).

“Official notice” is taken that the concept and advantages of monitoring coordinated universal time from a network time protocol server is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the time of the invention to modify Onuma by specifying monitoring coordinated universal time from a network time protocol server. One would be motivated to do so synchronized network nodes to a common clock time.

Claim 11 does not teach or define any new limitations above claim 3 and therefore is rejected for similar reasons.

As to claim 14, Onuma teaches the system of claim 9 above.

Onuma fails to teach that the code for cycling operations comprises a java application on a java virtual machine.

However, “Official Notice” is taken that the concept and advantages of running java is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Onuma by specifying java code to run the program. One would be motivated to do so since java is platform independent.

6. Claims 4-5, and 12-13 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.



Saleh Najjar

Primary Examiner / Art Unit 2157